

Report to the North Carolina General Assembly

Student with Disabilities and Special
Education Changes

HB 12 (SL 2008-90)

STATE BOARD OF EDUCATION

The guiding mission of the North Carolina State Board of Education is that every public school student will graduate from high school, globally competitive for work and postsecondary education and prepared for life in the 21st Century.

WILLIAM C. HARRISON
Chairman :: Fayetteville

REGINALD KENAN
Rose Hill

JOHN A. TATE III
Charlotte

WAYNE MCDEVITT
Vice Chair :: Asheville

KEVIN D. HOWELL
Raleigh

ROBERT "TOM" SPEED
Boone

WALTER DALTON
Lieutenant Governor :: Rutherfordton

SHIRLEY E. HARRIS
Troy

MELISSA E. BARTLETT
Roxboro

JANET COWELL
State Treasurer :: Raleigh

CHRISTINE J. GREENE
High Point

**PATRICIA N.
WILLOUGHBY**
Raleigh

JEAN W. WOOLARD
Plymouth

NC DEPARTMENT OF PUBLIC INSTRUCTION

June St. Clair Atkinson, Ed.D., State Superintendent
301 N. Wilmington Street :: Raleigh, North Carolina 27601-2825

In compliance with federal law, NC Public Schools administers all state-operated educational programs, employment activities and admissions without discrimination because of race, religion, national or ethnic origin, color, age, military service, disability, or gender, except where exemption is appropriate and allowed by law.

Inquiries or complaints regarding discrimination issues should be directed to:

Dr. Rebecca Garland, Chief Academic Officer :: Academic Services and Instructional Support
6368 Mail Service Center, Raleigh, NC 27699-6368 :: Telephone: (919) 807-3200 :: Fax: (919) 807-4065
Visit us on the Web :: www.ncpublicschools.org

**Disciplinary Protections for Students Not Yet Eligible for
Special Education and Related Services**

Section 3 G.S. 115C-107.7(c)

Amended through Session Law 2008-90 (House Bill 12)

Effective Date January 1, 2009

SECTION 3. “(c) A local educational agency shall be deemed to have a ‘basis of knowledge’ that a child is a child with a disability if, prior to the behavior that precipitated the disciplinary action, the behavior and performance of the child clearly and convincingly established the need for special education. Prior disciplinary infractions shall not, standing alone, constitute clear and convincing evidence.”

SECTION 4. The Department of Public Instruction and the State Board of Education shall report to the Joint Legislative Education Oversight Committee by January 15, 2011, on the number of contested cases that are filed based on Section 3 of this act and the disposition of those contested cases.

Petitions for Due Process Hearings

January 1, 2009 - October 31, 2010

School Year	Number Filed	Withdrawn with Resolution	Due Process Hearing
2008-2009	0		
2009-2010	1	1	
2010-2011	0		
Total	1	1	0

State Complaint Cases

January 1, 2009 - October 31, 2010

School Year	Number Filed	Withdrawn	Number Investigated	Compliant	Non-Compliant
2008-2009	1		1		1
2009-2010	7	1	6	4	2
2010-2011	0				
Total	8	1	7	4	3